

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>DOROTHY CONRAD</b>	)	<b>Case Number</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL COMPLAINT</b>
	)	
<b>ALLIANCEONE RECEIVABLES MANAGEMENT, INC.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendant.</b>	)	

**COMPLAINT AND JURY DEMAND**

COMES NOW, Plaintiff, Dorothy Conrad, by and through her undersigned counsel, Bruce K. Warren, Esquire, of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Donna Conrad, an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that plaintiff resides in the Commonwealth of Pennsylvania and defendant conducts business in the Commonwealth of Pennsylvania.

### **III. PARTIES**

4. Plaintiff, Dorothy Conrad, is an adult natural person residing at 11881-A Academy Road, Philadelphia, PA 19154.

5. Defendant, AllianceOne Receivables Management, Inc. (“Defendant”), at all times relevant hereto, is a Delaware corporation registered to do business in the Commonwealth of Pennsylvania and engaged in the business of collecting debt within the Commonwealth of Pennsylvania at 4850 East Street Road, Suite 300, Trevose, PA 19053.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

### **IV. FACTUAL ALLEGATIONS**

7. Defendant is attempting to collect on a debt which is owed by plaintiff’s son, James Breves. Mr. Breves is an adult male and has not resided with plaintiff for four years.

8. Defendant has been making numerous phone calls to Plaintiff, which commenced in August, 2008 and are continuing to the present.

9. Defendant calls Plaintiff approximately every other day in an attempt to reach Mr. Breves. Plaintiff has repeatedly told Defendant that her son does not reside with her.

10. Plaintiff told Defendant that she will contact an attorney and Defendant's response was "You go ahead. Get yourself an attorney!"

11. Plaintiff is elderly and is recovering from an illness and finds these calls very disturbing.

12. Defendant's harassing third party communications are violations of the FDCPA.

**COUNT 1 - FDCPA**

13. Plaintiff re-alleges and incorporates herein the foregoing allegations.

14. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by a third party for personal, family or household purposes and is a "debt" defined by 15 U.S.C. § 1692a(5).

15. The foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of 15 U.S.C. 1692 b(2), b(3), c(b), d, d(5), e(11), (f) and (g).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant, AllianceOne Receivables Management, Inc., for the following:

a. Declaratory judgment that Defendant's conduct violated the FDCPA and declaratory and injunctive relief for the Defendant's violations of the state Act.

b. Actual damages;

- c. Statutory damages pursuant to 15 U.S.C. § 1692k;
- d. Reasonable attorney's fees and litigation expenses, plus costs of suit;
- e. Such addition and further relief as may be appropriate or that the interests of justice require.

**COUNT II**

**VIOLATIONS OF PENNSYLVANIA FAIR CREDIT EXTENSION  
UNIFORMITY ACT  
(FCEUA, 73 Pa. C.S. § 2270.1 et seq.)**

16. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs.

17. The collection of a debt in Pennsylvania is proscribed by the Fair Credit Extension Uniformity Act at 73 Pa. C.S. § 2270.1 et seq., ("FCEUA") and the Pennsylvania Unfair Trade Practices and Consumer Protection Law 73 Pa. C.S 201-1 et seq. ("UTPCPL"). Defendant is a debt collector pursuant to 73 Pa. C.S. § 2270.3.

18. The alleged debt Defendant was attempting to collect is a debt as defined by 73 Pa. C.S. § 2270.3.

19. The FCEUA proscribes, inter alia, engaging in any false, misleading or deceptive representations when attempting to collect a consumer debt.

20. The actions of Defendant, as aforesaid, constitute false, misleading or deceptive representations.

21. Violations of the FDCPA is a per se violation of the FCEUA and the UTPCPL.

22. As a direct and proximate result of the said actions, Plaintiff has suffered financial harm.

23. By virtue of the violations of the law as aforesaid, and pursuant to the FCEUA and UTPCPL, Plaintiff is entitled to an award of actual damages, treble damages, attorney's fee and costs of suit.

**WHEREFORE**, Plaintiff prays this Honorable Court enter judgment in her favor and against Defendant, and Order the following relief:

- a. Actual damages;
  - b. Treble damages;
  - c. An award of reasonable attorneys fees and expenses and costs of court;
- and
- d. Such additional relief as is deemed just and proper, or that the interests of justice require.

**COUNT III**

**VIOLATIONS OF PENNSYLVANIA CONSUMER PROTECTION LAW  
("UTPCPL"), 73 Pa. C.S. § 201-1 et seq.**

24. The foregoing paragraphs are incorporated herein by reference.

25. Plaintiff and Defendant are "Persons" to 73 Pa. C.S § 201-2.

26. The UTPCPL proscribes, inter alia, engaging in any "unfair or deceptive acts or practices", either at, and prior to or subsequent to a consumer transaction.

27. The action of Defendant, as aforesaid, constitutes unfair acts or practices under the UTPCPL, by way of the following, inter alia:

- a. Defendant misrepresented to Plaintiff the character, extent or amount of the debt or its status in a legal proceeding, 73 Pa. C.S. § 201-3.1;
- b. Defendant engaged in deceptive or fraudulent conduct which created a likelihood of confusion or of misunderstanding, 73 Pa. C.S. § 201-2(xxi);
- c. Defendant failed to comply with the FDCPA and FCEUA which are per se violations of the UTPCPL.

28. As a direct and proximate result of the said actions, Plaintiff has suffered financial damages and other harm.

29. By virtue of the violations of law aforesaid and pursuant to the UTPCPL, Plaintiff is entitled to an award of actual damages, treble damages, attorney's fees and costs of suit.

**WHEREFORE** Plaintiff prays this Honorable Court enter judgment in her favor and against Defendant, and Order the following relief:

- a. An Order declaring that Defendant violated the UTPCPL;
- b. Actual damages;
- c. Treble damages;
- d. An award of reasonable attorney's fees and expenses and cost of suit; and
- e. Such additional relief as is deemed just and proper, or that the interest of justice may require.

**V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: November 25, 2008**

**BY: /s/Bruce K. Warren, Esquire**

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